



Indiana Department of Education  
151 West Ohio Street  
Indianapolis, Indiana 46204

## MEMORANDUM

**TO:** State Board of Education

**FROM:** Jeff Zaring, State Board Administrator

**DATE:** September 20, 2010

**SUBJECT:** Read On, Indiana!

As part of continuing work to implement the Reading Plan, the Department of Education recommends that the State Board of Education initiate a rulemaking process using the attached proposed rule language.

# **TITLE 511 INDIANA STATE BOARD OF EDUCATION**

## **Proposed Rule** LSA Document #10-

### **DIGEST**

Amends 511 IAC 6.1-5-2.6 to include the utilization of the reading framework adopted by the state board of education as curriculum for kindergarten through grade 6. Adds 511 IAC 6.2-3.1 to define and require elementary schools to submit a reading plan. Adds 511 IAC 6.2-3.1-1 to provide definitions that apply throughout the rule. Adds 511 IAC 6.2-3.1-2 to require elementary schools to submit a reading plan to the department. Adds 511 IAC 6.2-3.1-3 to define the components of the reading plan, including measurable student achievement goals for each grade level, professional development, and the retention of a student in third grade who does not have a passing score on the reading portion of the grade 3 English/Language Arts ISTEP+. Adds 511 IAC 6.2-3.1-4 to define reading instruction requirements. Adds 511 IAC 6.2-3.1-5 to require specific intervention prior to the third grade determination and specific intervention if a student is retained at the third grade reading level.

#### **SECTION 1. 511 IAC 6.5-5-2.6 IS AMENDED TO READ AS FOLLOWS:**

##### **511 IAC 6.1-5-2.6 Elementary curriculum**

**Authority:** IC 20-19-2-8; IC 20-31-4-17

**Affected:** IC 20-30-5; IC 20-31-3; IC 20-31-4-1

Sec. 2.6. (a) In kindergarten through grade 6, the curriculum:

**(1) utilizes the reading framework adopted by the state board of education in 2010, which does not include any later amendments or additions, and copies of which are available from the Department of Education, 200 W. Washington St., Indianapolis, IN 46204, or available at <http://www.doc.in.gov>.**

~~(1)~~ **(2)** includes:

(A) a balance of learning experiences in the academic areas in subsection (b);

(B) in grades 1 through 5, career awareness models to introduce students to work values and basic employment concepts as required by IC 20-30-5-14;

(C) in grade 6, initial career information models that focus on career choices as they relate to student interest and skills as required by IC 20-30-5-14; and

~~(D)~~ **(D)** exploratory activities;

consistent with the academic standards developed under IC 20-31-3 and the general principles in section 0.6 of this rule;

~~(2)~~ **(3)** develops students' ability to apply subject matter skills to solve personal, school, and community problems;

~~(3)~~ **(4)** is appropriate to research-identified developmental characteristics of learners;

~~(4)~~ **(5)** prepares students to succeed in the Core 40 high school curriculum;

~~(5)~~ **(6)** integrates appropriate technology as described in Indiana's Academic Standards;

~~(6)~~ **(7)** includes practical experiences through which students:

(A) begin to recognize technological systems and processes;

(B) learn to use technology to solve problems related to home, school, community, and workplace; and

(C) develop skills useful in performing individual and family responsibilities.

~~(7)~~ **(8)** is provided in a culture that fosters collaboration of teachers and other school personnel across subject areas, through techniques such as teaming or professional learning communities;

~~(8)~~ **(9)** is enriched through the integration of community service-learning activities that apply curriculum-based knowledge in experiential settings;

~~(9)~~ **(10)** integrates global educational experiences that provide for the study of other societies and world issues; and

~~(10)~~ **(11)** prepares students for success in middle school.

(b) The elementary curriculum develops students' knowledge and skills based on the academic standards in:

- (1) English language arts.
- (2) Mathematics.
- (3) Social studies and citizenship.
- (4) Science.
- (5) Visual arts and music.
- (6) Health and wellness.
- (7) Physical education, adapted as necessary.

(c) Through elective enrichment, the elementary curriculum develops students' knowledge and skills based on the academic standards in:

- (1) Theatre and dance.
- (2) World languages.

**(d) A school is not required to utilize the reading framework under subsection (a)(1) if:**

**(A) the state board determines that the school falls within one of the top two performance categories under 511 IAC 6.2-6-5; and**

**(B) 90 percent of students pass the reading portion of the ISTEP+ during the school year immediately preceding the utilization of the framework.**

SECTION 2. 511 IAC 6.2-3.1 IS ADDED TO READ AS FOLLOWS:

### **Rule 3.1. Reading plan**

#### **511 IAC 6.2-3.1-1 Definitions**

**Authority:** IC 20-19-2-8; IC 20-32-8.5-4

**Affected:** IC 20-31; IC 20-32-8.5

**Sec. 1. (a) The following definitions apply throughout this rule:**

- (1) "Core reading program" means a scientifically-based program that provides a scope and sequence that scaffolds instruction in accordance with state academic standards.**
- (2) "Dedicated time" means that scientifically-based reading research is the primary basis for the instruction provided during that time period.**
- (3) "Differentiated instruction" means the process of matching instruction to meet the different needs of students.**
- (4) "English Learner" means a student whose native language is not English and who is classified as a Level 1-4 limited English proficient or Level 5 fluent English proficient based on the LAS Links English proficiency assessment.**
- (5) "Individual learning plan" means the record-keeping document developed for each English Learner, outlining the student's level of English proficiency and instructional and assessment adaptations.**
- (6) "Job-embedded time" means professional development that occurs during the course of the work day.**
- (7) "Parent-guided home reading program" means a guidebook on how to promote reading at home.**
- (8) "Principles of response to instruction" means the systemic process of meeting the educational needs of all students through professional accountability to ensure delivery of scientific, research-based core curriculum and instruction, ongoing monitoring of student data to assess instruction effectiveness, and determination and delivery of targeted and intensive individualized student supports. Response to instruction guidance is available at the department's website.**

- (9) "Reading deficiency" means reading at a level not equivalent to grade-level reading proficiency.
- (10) "Scaffolding" means instruction that builds on a student's prior knowledge and internalizes new information.
- (11) "Scientifically-based reading research" means research that includes:
  - (A) Scientific methods with an emphasis on experimental control or comparison groups;
  - (B) Replication of results, using multiple studies by different investigators;
  - (C) Ability to generalize results from one sample to other children in the general population;
  - (D) Fulfillment of rigorous standards with an emphasis on peer review; and
  - (E) Consistency of results between studies.

*(Indiana State Board of Education; 511 IAC 6.2-3.1-1)*

#### **511 IAC 6.2-3.1-2 Applicability**

Authority: IC 20-19-2-8; IC 20-32-8.5-4

Affected: IC 20-31; IC 20-32-8.5

**Sec. 2. (a) Beginning January of 2011, each:**

- (1) elementary school;
- (2) elementary school organized by an interlocal agreement under IC 36-1-7;
- (3) special education cooperative organized under IC 20-35-5; and
- (4) accredited nonpublic school under IC 20-26-15 or 511 IAC 6.1-1-1;

shall submit the details of a reading plan that includes components set forth in section 3 to the department by June 30 of the school year before the year of implementation.

(b) If an entity under subsection (a) receives funding under IC 20-32-8, the entity shall prioritize that funding on resources for students who have a reading deficiency in grade 1 through grade 3.

*(Indiana State Board of Education; 511 IAC 6.2-3.1-2).*

#### **511 IAC 6.2-3.1-3 Reading plan; components**

Authority: IC 20-19-2-8; IC 20-32-8.5-4

Affected: IC 20-31; IC 20-32-8.5; IC 20-20-31

**Sec. 3 A reading plan includes the following:**

- (1) Membership of the reading leadership team.
- (2) Measurable student achievement goals for each grade level.
- (3) Reading instruction in accordance with 511 IAC 6.2-3.1-4.
- (4) Details of the manner in which the school plans to use:
  - (A) formative and summative assessments for students in kindergarten through grade 2 that measure phonemic awareness, phonics, fluency, vocabulary and comprehension;
  - (B) formative and summative assessments for students in grade 3 and higher that measure vocabulary and comprehension in relation to content knowledge.
- (5) Intervention in accordance with 511 IAC 6.2-3.1-5.
- (6) Beginning with the 2012-2013 school year, retention of a student in grade 3 who does not achieve a passing score on the reading portion of the grade 3 English/Language Arts ISTEP+, unless one of the following applies to the student:
  - (A) The student has been retained two (2) times prior to the promotion to grade 4.
  - (B) The student has a disability and a case conference committee has determined that promotion is appropriate.
  - (C) The student is an English Learner and a committee consisting of:
    - (i) the student's parent;
    - (ii) a building level administrator or designee;
    - (iii) classroom teacher of service;

- (iv) English Learner teacher, if one exists; and
  - (v) English Learner district administrator, if one exists
- determines that promotion is appropriate based on the implementation of researched-based instructional practices outlined in the student's individual learning plan.
- (7) Promotion of students retained under subdivision 6 when the student achieves grade-level reading proficiency.
  - (8) Professional development for teachers that includes:
    - (A) utilizing assessment data to target the measurable student achievement goals for each grade level;
    - (B) development differentiated for teachers based on classroom data;
    - (C) development of model classrooms within the school; and
    - (D) when possible, job-embedded time for professional development and collaboration.
  - (9) A monitoring plan that evaluates the implementation of the reading plan.
- (Indiana State Board of Education; 511 IAC 6.2-3.1-3)*

#### **511 IAC 6.2-3.1-4 Reading plan; instruction**

**Authority:** IC 20-19-2-8; IC 20-32-8.5-4

**Affected:** IC 20-31; IC 20-32-8.5

**Sec. 4 (a) Reading instruction for all students in kindergarten through third grade must include:**

- (1) a research-based core reading program that provides a scope and sequence in order to scaffold the instruction of scientifically-based reading, including phonemic awareness, phonics, fluency, vocabulary and comprehension;
  - (2) a dedicated, uninterrupted minimum 90-minute block of time daily to all students in grades kindergarten through sixth grade. The time must include whole-group instruction using a core reading program and small-group differentiated instruction. Half-day kindergarten programs must provide the 90-minutes of instruction but do not have to provide the instruction during an uninterrupted block of time.
- (b) A school is not required to offer a research-based core reading program under 511 IAC 6.2-3.1-4(a)(1) if:
- (1) the state board determines that the school falls within one of the top two performance categories under 511 IAC 6.2-6-5; and
  - (2) 90 percent of students pass the reading portion of ISTEP+ during the school year immediately preceding the submission of the plan.

*(Indiana State Board of Education; 511 IAC 6.2-3.1-4)*

#### **511 IAC 6.2-3.1-5 Reading plan; intervention**

**Authority:** IC 20-19-2-8; IC 20-32-8.5-4

**Affected:** IC 20-31; IC 20-32-8.5

**Sec. 5 (a) A school shall intervene with students who have reading deficiency determined by the assessment results.**

**(b) Intervention for students prior to the retention determination under 511 IAC 6.2-3.1-3(a)(6) must include, but is not limited to, the following types of remediation:**

- (1) Research-based materials that address reading deficiencies as determined by the assessment results.
- (2) Principles of response to instruction.

**(c) If a school intervenes, the school shall notify the student's parent or guardian. The notice must include a description and explanation of the deficiency, proposed supplemental instruction services, strategies for parents to use to assist the student, and notice that the student will be retained if the student does not achieve a passing score on the reading portion of the grade 3 English/Language Arts ISTEP+.**

**(d) Intervention for students retained under 511 IAC 6.2-3.1-3(a)(6) must include, but is not limited to, the following types of remediation:**

- (1) Scientifically-based reading strategies that meet the student's needs;**
- (2) Instruction by an effective teacher as measured by student performance results;**
- (3) At least 90 minutes of reading instruction each school day;**
- (4) At least one of the following instructional options:**
  - (A) Tutoring before or after school.**
  - (B) Parent workshops and a parent-guided home reading program.**
  - (C) A mentor or tutor with specialized reading training and may include volunteers or school staff.**
  - (D) Extended-day programs.**
  - (E) Supplemental instruction services.**

*(Indiana State Board of Education; 511 IAC 6.2-3.1-5)*



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## MEMORANDUM

**TO:** Sean Reilly, State Budget Agency  
**FROM:** Jeff Zaring, Administrator, State Board of Education  
**DATE:** October 6, 2010  
**SUBJECT:** Reading Plan – Fiscal Analysis/Cost Benefit Analysis

The Indiana State Board of Education proposes to amend and add to Title 511 IAC 6.1, in response to IC 20-32-8.5, to require that elementary schools submit a reading plan. This memo serves as the fiscal impact statement required under IC 4-22-2-28 and Financial Management Circular (FMC) #2006-1. This memo also serves as the Cost Benefit Analysis required under FMC #2006-2.

### Statement of Need

The rule is proposed in response to IC 20-32-8.5, which requires the State Board of Education to create a reading plan. More importantly, the rule is necessary to improve the reading skills of Indiana's elementary school students.

More than any other time in Indiana's history, school leaders are aligning practices around research-based methodologies that support how children learn to read. The proposed rule will assist local school corporations in organizing those efforts in the most effective way possible through the most research-driven processes available for grades K-6, including retention of students who do not pass the third grade reading assessments.

Currently, the National Assessment of Educational Progress ranks **Indiana 27<sup>th</sup> nationwide in fourth grade reading achievement** in a national environment where reading achievement is at startling levels. Nationally, 37% of fourth grade students cannot read well enough to accomplish grade level work and more than 6 million high school students are struggling readers, according to the National Center for Education Statistics.

Indiana's future workforce is at a high risk of having reading deficiency negatively impact job opportunities. Research demonstrates that the percentage of U.S. job applicants lacking necessary reading skills doubled from 1996 to 2000, from 19% to 38% – not only because they lacked basic proficiencies, but because on the job reading requirements had increased rapidly.<sup>1</sup> Indiana, however, continues to lead the nation in attracting foreign investment and production jobs; therefore, it is more important than any time in recent history to prepare our future workforce to sustain our economic growth by rapidly increasing our students' reading abilities.

Lastly, the rule partitions different types of intervention between K-3 and 4-6 because data demonstrates a correlation between the third grade and lifetime student literacy. More than one in three children experience significant difficulties in learning to read, and there is a strong continuity between the skills with which children enter school and their later academic performance. Those children who experience early difficulties in learning to read are unlikely to catch up to their peers.

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<sup>1</sup> U.S. Chamber of Commerce, A Chamber Guide to Improving Workplace Literacy, p. 5, Available at: <http://www.workforcealliance.biz/adulteducationatwork/b-pdfs/improvingliteracy.pdf> (last accessed 9/29/10).

Research points to skill deficits as preventing children from developing as readers. Recent studies show that there is nearly a 90% chance that a poor reader in first grade will remain a poor reader and never acquire average-level reading skills by the end of elementary school. The evidence indicates that the poor first grade reader almost invariably remains a poor reader by the end of fourth grade, leaving the third grade year as the last backstop to long term reading deficiency.

### **Evaluation of benefits**

The K-6 Reading Framework comes from an effort to create a cohesive, state-wide reading plan; it aims to help all students achieve proficiency in reading. Built upon scientifically-based reading research, the framework summarizes the knowledge and beliefs that should inform reading practices and organize efforts at all levels. This is not a program or curriculum to purchase, nor is it an approach that will fade as a new fad emerges. It is a research-driven process for developing effective reading instruction statewide and producing permanent improvements in student performance.

Schools must focus on preventing the emergence of early reading weaknesses through excellent core classroom instruction and intensive, explicit interventions for children who are identified through reliable indicators as at risk of failure. Research demonstrates that characteristics of effective reading instruction include the following:

- Daily uninterrupted reading instruction
- Flexible instructional groups
- Increasing instruction intensity
- Explicit and systematic instruction

Research on effective reading instruction applied to at-risk children demonstrates encouraging results. A direct correlation exists between at-risk children receiving more teaching and learning opportunities per day than other children and the improved reading skills of those at-risk children. Research demonstrates that if schools intervene early, intensively and appropriately, schools can provide at-risk children with quality instruction that can prevent almost all at-risk students from failing to acquire the necessary reading skills.

With broad public and leadership support, the proposed rule will translate research into reality in Indiana classrooms to ensure that all our children will learn to read by the conclusion of third grade. The benefits of elements of the framework are noted as follows:

#### **1. Reading Goals**

Reading goals that are measurable serve as the guide that binds together all the other components of effective reading practices. Clear goals are necessary to drive instruction and determine appropriate assessments. While the most important reading goal is to read at grade level, grades K-3 specific goals include a focus on “how to read” while grades 4-6 specific goals include “reading to learn” in relationship to content knowledge. Therefore, direct instructional benefits of the rule include:

- Development of individualized, measurable reading goals
- Understanding formative and summative goals

#### **2. Instruction**

Schools must provide effective scientifically-based reading instruction throughout grades K-6. In the early grades, effective reading instruction ensures that students develop the foundational reading skills they need to read and learn successfully in school and beyond. In grades 4-6, effective reading instruction ensures students maintain strong foundational reading skills and are



able to apply those skills to reading complex material in content areas. Therefore, direct instructional benefits of the rule include:

- Effective use of a secured 90 minutes for daily reading instruction
- Use of research-based strategies, programs, interventions and materials
- Differentiated instruction based on student data to reach reading goals

3. **Assessment**

To ensure that instruction meets students' needs, teachers must have the access and knowledge to use valid and reliable reading assessments to determine whether students are reading proficiently for their grade level and meeting essential formative goals. Each school's reading plan should include a comprehensive system of screening measures to identify students at risk, progress monitoring tools to ensure students are on track, and summative assessments. Therefore, direct instructional benefits of the rule include:

- Creation of a relationship between results and Response to Instruction (RtI)
- Use of data to make instructional decisions

4. **Professional Development**

Professional development is the vehicle to provide teachers with the support, knowledge, and skills they need to deliver effective, high-quality instruction in the classroom. Additional development should include training and ongoing coaching support surround reading instruction. Therefore, direct instructional benefits of the rule include:

- If possible, job-embedded professional development guided by assessment data and focused on attaining school reading goals
- Best research-based practices

5. **Leadership**

Building-level leadership is effective when leaders prioritize student attainment of grade level reading goals by vigorously supporting teachers to provide classroom instruction that meets student needs. Leadership roles must exist among different individuals and groups within the school, and conceptualized as leadership functions not linked to specific key individuals. Effective building leadership ensures sufficient time for planning instruction and requires leaders to regularly observe classroom reading blocks to understand how reading instruction is delivered. Therefore, direct instructional benefits of the rule include:

- Leadership structures at multiple levels to build and sustain school wide reading practices that infuse effective reading instruction with content areas
- Development of Reading Leadership Teams, including roles and responsibilities

6. **Commitment**

The rule encourages a school wide commitment to the implementation of the Indiana Reading Framework, including increased contact and reporting to parents on student achievement. The rule encourages the entire school community, including staff, board members, and parents, to dedicate the necessary resources to improve reading. The rule also requires public reporting, adhering to clear accountability measures, establishing and following problem-solving processes; and sharing responsibility to implement a comprehensive reading program so all students will be successful. Therefore, direct instructional benefits of the rule include:

- Development of a School Reading Plan

- Provide regular reports of on reading progress to stakeholders
- Actively involving parents and community members in fostering and promoting reading achievement

Other benefits of the Reading Framework and Reading Plan include the following:

- Plans require schools to identify children who need extra help in reading before they experience serious failure and monitoring the early development of reading skills to identify children who may require extra help as reading instruction proceeds through elementary school. The skill deficit between average and below average readers can be largely erased with appropriate early instructional intervention.
- Plans require schools to set grade-level reading goals that are directly linked to student assessment data, thus ensuring a focus on the areas of deficiency needing the most attention.
- Plans require an emphasis on having a core reading curriculum that aligns with research-based instruction methodologies.
- Plans require schools to outline their parent communication plans, which will ultimately result in increased awareness for parents on ways to assist their child in reading.

### **Evaluation of costs**

Reading Framework: There is no fiscal impact to schools or the department as a result of the Reading Framework. The Reading Framework will be published online with professional development modules in order to train teachers to implement the framework. While the Framework is already established, the creation of the professional development models will cost approximately \$180,000. This expense is fully funded from the dedicated Reading First Federal Grant funding that is allocated for technical and professional development statewide, thus fulfilling the purpose of the grant.

Reading Plans: Writing, adopting, and carrying out the reading plans may require some schools to re-allocate money they currently spend on other priorities. It is impossible, however, to determine how such costs will vary from corporation to corporation and from school to school. Below is an estimate of possible re-allocation costs:

- IC 20-32-8-9 requires schools to re-allocate specific remediation grant funding from current uses to implement interventions for students if they demonstrate a reading deficiency prior to the third grade ISTEP+ or during the third grade year.
- Schools may need to re-allocate resources to pay substitute teacher costs so Reading Leadership Team members may fulfill duties associated with writing, implementing and evaluating the Reading Plan (items 1, 2, 3, 10 and 11 within the Reading Plan). Since the process of writing the Reading Plan will be concurrent with the School Improvement Plan process, any new costs might simply result from adding team member(s) whose expertise is reading. In some cases, time may be provided for this work throughout a teacher's day. If substitute time is required, IDOE estimates it would be up to approximately \$70 per day per substitute.
- A school that currently does not have a core reading program teaching the five components of scientifically-based reading instruction (phonemic awareness, phonics, fluency, vocabulary

and comprehension) will need to purchase one. The average costs of a core reading program ranges from \$15-\$23 per student.

Many schools, however, already have a core reading program that meets these specifications, so no additional costs exist for those schools. But even if costs exist, those costs should be covered with the textbook adoption and rental fund. The Textbook Adoption Committee will approve a list of recommended core programs aligned with the framework and the Common Core State Standards. Schools which adopt early will be able to continue the use of this core program through the entire next adoption cycle.

- If a school must retain students, the focus should be on the legislatively-mandated reading skills, not the complete array of third grade subjects. Therefore, no additional costs should be incurred for remediating other areas that the student may have already mastered (i.e., science, math, social studies, etc). Rather, schools will be responsible for remediation for reading that will require instruction by an effective teacher as measured by student performance results.

Schools may already have appropriate staff, but depending on numbers and grade levels served, additional staff hours may be required, which could necessitate a reallocation of funds or services. In schools with a high concentration of retained students, the teacher who would have received those students as 4th graders may be reassigned to teach an additional third grade section. If a small number of students are retained, they can simply be absorbed back into the existing third grade classes.

- Schools may want to re-allocate Title I and Title II resources used for professional development to inform teachers on the implementation of their plan.

### **Examination of Alternatives**

Maintain the Status Quo – Even without the state law that requires the State Board to focus on improving reading development across 1-3, the status quo is not a viable option considering that Indiana ranks 27<sup>th</sup> nationwide in fourth grade reading achievement. More instructively, the number of adult job applicants in Indiana that have basic reading proficiency continues to decline.

State Law Mandate - Comprehensive Detailed Staffing and Spending Quotas: The Indiana General Assembly could mandate very detailed requirements on local schools surrounding the type of core reading program to be used, the specific manner in which the school enacts their intervention program, or the number of staff per student. Such detailed requirements would remove local control and attempt to fit one plan to fit all types of students, irrespective of their individual needs.

The proposed rule allows local school corporations to determine the manner in which that school will implement the Framework to best suit their needs. The school will then report to the Department the manner in which they delivered the services, allowing the state to measure the best practices and inform schools of the best practices statewide.

### **Conclusion**

The proposed rule will require schools that are not achieving 90% passing on the reading portions of the ISTEP+ to implement the Framework. The school will then report to the Department the manner in which they delivered the services, allowing the state to measure the best practices and inform schools of the best practices statewide.

Moreover, the direct benefits justify the proposed rule. School corporations may have to re-allocate resources from other programs, such as the remediation grant that state law requires school re-

allocate, the overall benefit of improved student reading will have a long-term and long-lasting benefit. The rule does not mandate detailed reading plan requirements but rather allows local schools to determine the manner in which they implement the framework that best suits the needs of their student population. But the rule does not set forth complicated regulations that may tie the hands of parents and teachers. In total, the net benefits substantial and directly impact student learning at a level that outweighs any initial or long-term costs to schools.

Attachment:            Proposed Rule.